

**DEPARTMENT OF THE ARMY**  
**Wilmington District, Corps of Engineers**  
**Post Office Box 1890**  
**Wilmington, North Carolina 28402-1890**

Action ID No. 200411285

May 4, 2004

**PUBLIC NOTICE**

The North Carolina Department of Transportation (NCDOT), ATTN: Mr. Gregory J. Thorpe, PhD, Environmental Management Director Manager, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit pursuant to Section 10 of the River and Harbor Act and Section 404 of the Clean Water Act TO DISCHARGE DREDGED OR FILL MATERIAL INTO WATERS AND WETLANDS OF THE UNITED STATES TO IMPROVE US 17 FROM MILLS STREET IN BRIDGETON TO NC 43 IN CRAVEN COUNTY, NORTH CAROLINA, TIP NO. R-3403, Federal Aid No. STPHNHF-17(24), STATE PROJECT No. 8.1171601.

**BACKGROUND:**

The social, economic, and environmental impacts associated with a No-Build and several widening alternatives are discussed in a Federal Highway Administration Environmental Assessment (EA) dated June 3, 2002. The proposed improvements are included in the county thoroughfare plan and were added in June 1995 for inclusion in the 1996-2002 Transportation Improvement Plan (TIP).

The proposed improvements are to widen US 17 to a multi-lane facility, from Mills Street in Bridgeton to NC 43 in Craven County (9.8 miles). NCDOT proposes to locate the proposed improvements within DOT's existing 150-foot right of way. The project is divided into two parts, A and B. Part A starts at Mills Street in Bridgeton and runs north to SR 1433 (Antioch Road), a distance of 2.8 miles. Part B runs north of SR 1433 to north of NC 43, a distance of 7.5 miles.

**PROJECT DESCRIPTION:**

The following description of work is taken from data provided by the applicant and from observations made during on-site inspections by a representative of the Corps of Engineers. The five proposed build alternatives are described below. The project is divided into parts, A and B. The impacts for the total project can be found by adding one alternative each from Part A and Part B. A map showing the location of the proposed project and a matrix providing impacts by alternative are included with this public notice.

- a. Alternative A1: Alternative A1 involves widening US 17 symmetrically from Mills

Street to Pine Street in Bridgeton. From Pine Street to just south of B Street (SR 1602), the proposed 4-lane highway will run to the west of the centerline. This alternative calls for a 4-lane facility divided by a 30-foot wide raised medial with unpaved shoulders. The median width will increase to 36 feet at Wildlife Road (SR 1431) to provide storage for turning school busses. From Mills Street to the at-grade Norfolk Southern railroad crossing, the existing right of way is asymmetric to the east of the existing centerline. North of the rail crossing, the right of way shifts so that it is asymmetric to the west side of the existing centerline. Seven culverts are found to be in reliable condition and can be retained and extended.

b. Alternative A2: Alternative A2 is identical to A1 except for the shift to the east of the existing centerline from Pine Street to just south of B street (SR 1602). Both alternatives call for a 4-lane facility divided by a 30-foot wide raised medial with unpaved shoulders.

c. Alternative A3: Alternative A3 proposes a 5-lane undivided facility, 60 feet of pavement with unpaved shoulders. This option proposes an at-grade crossing of US 17 and the Norfolk Southern Railway. From an access standpoint, the 5-lane undivided section will allow motorist to make left-turns from/onto all driveways and side streets on US 17.

d. Alternative B1: Alternative B1 involves widening US 17 on its west side, from north of SR 1433 to the end of the project north of NC 43. A 4-lane divided section with a 30-foot wide raised median is proposed, except at Little Swift Creek where the median on the approaches narrows to 17.5 feet. Dual 600-foot long bridges are proposed to span Little Swift Creek.

e. Alternative B2: Alternative B2 involves widening US 17 on the west side from north of SR 1433 to the end of the project north of NC 43. A 5-lane undivided section, 60 feet of pavement with unpaved shoulders is the proposed cross section. A single 600-foot long bridge is proposed to span Little Swift Creek.

Wetland types potentially impacted by the project are non-riverine hardwood forest and riverine swamp forest habitats. These wetland impact sites are included in the impact matrix attached to this public notice.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404 (b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal and on the alternatives evaluated in this public notice. At the close of this comment period, the District Engineer will evaluate and consider the comments received as well as the expected adverse and beneficial impacts of the proposed road construction to select the least environmentally damaging, practicable alternative (LEDPA). The District Engineer is not authorizing construction of the road at this time. A final Department of the Army permit could be issued, if at all, only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, a compensatory mitigation plan has been approved, and final design has been completed.

By lengthening the Little Swift Creek Bridge, some on-site mitigation for the Cypress

Gum Swamp impacts will be available from the causeway removal. NCDOT proposes to utilize the Ecosystem Enhancement Program (EEP) to mitigate for the remaining impacts.

According to the EA, the purpose of the proposed work is to increase the capacity on NC 17 thereby improving levels of service, reducing the potential for future traffic congestion and improving public safety by reducing the accident rate. Future traffic projections indicate that in the absence of improvements to the subject section of NC 17, traffic conditions of this highway would become unacceptably congested and increasingly unsafe.

Functional design plans and the EA are available for review at the Washington Regulatory Field Office at 107 Union Drive, Suite 202, Washington, North Carolina.

The applicant will make a determination that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and will submit this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Environmental Management (NCDEM).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson –Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the NOAA Marine Fisheries.

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification is denied. No DA permit will be issued until a State

coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This application is being considered pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The potential of the US 17 improvements to impact cultural resources was evaluated in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. Potential effects were determined using Criteria for Effect and Adverse Effect (36 CFR 800.9) developed by the Advisory Council on Historic Preservation. Concurrence on the eligibility of each property with respect to inclusion on the National Register of Historic Places and the final determination of effects were made by the State Historic Preservation Office (SHPO). More detailed information and copies of all SHPO correspondence are found in the EA and Appendix B of the EA.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and

evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application for a Section 401 certification will be submitted to the NCDWQ after the Least Environmentally Damaging Practicable Alternative (LEDPA) has been chosen and the final design plans are available.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Michael F. Bell, until 4:15 p.m., June 4, 2004, or telephone (252) 975-1616, extension 26.

**Applicant:** North Carolina Department of Transportation

**Proposed Work:** The North Carolina Department of Transportation (NCDOT), ATTN: Mr. Gregory J. Thorpe, PhD, Environmental Management Director Manager, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act TO DISCHARGE DREDGED OR FILL MATERIAL INTO WATERS AND WETLANDS OF THE UNITED STATES TO IMPROVE US 17 FROM MILLS STREET IN BRIDGETON TO NC 43 IN CRAVEN COUNTY, NORTH CAROLINA, TIP NO. R-3403, Federal Aid No. STPHNHF-17(24), STATE PROJECT No. 8.1171601.

<u>No. Cys.</u>	<u>Mailed To</u>
1	Applicant
58	All NC Public Notices including Washington Field Office
1	Congressman Walter Jones, Jr., 422 Cannon House Office Building, First and Independent Avenue, S.E., Washington, DC 20515
1	United States Postal Service, Postmaster; Bridgeton, North Carolina 28519
15	Mr. Doug Huggett, NC Division of Coastal Management, 1638 Mail Service Center, Raleigh, NC 27699-1638
2	Mr. Ronald Mikulak, Chief, Wetlands Section-Region IV, Water Management Division, EPA, 61 Forsyth Street, SW, Atlanta, GA 30303
15	LABELS FURNISHED BY NCDOT (ATTACHED)
1	USAED, Wilmington, Washington Regulatory Field Office, Post Office Box 1000, ATTN: Mike Bell, Washington, NC 27889
1	USAED, Wilmington, Washington Regulatory Field Office, Post Office Box 1000, ATTN: Scott Jones, Washington, NC 27889
<u>10</u>	Extras
105	TOTAL